ANNUAL REPORT

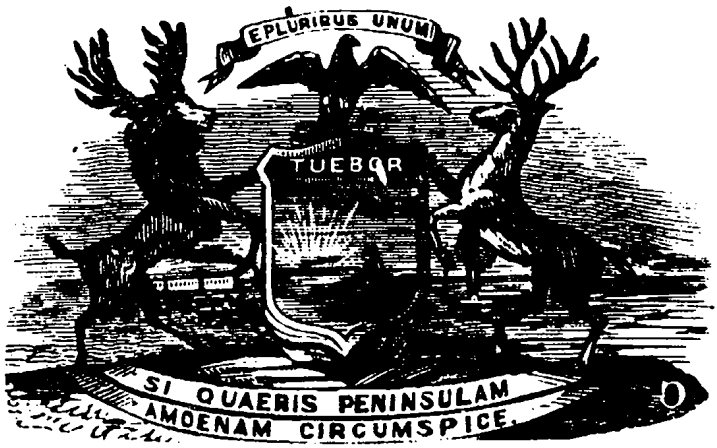
OF THE

ATTORNEY GENERAL

OF THE

STATE OF MICHIGAN,

FOR THE YEAR 1845.



BY AUTHORITY.

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1845.

REPORT.

To the Legislature of the State of Michigan:

In obedience to the statute the undersigned respectfully reports, that the principal business performed by him, as Attorney General, since entering upon the duties of his office, on the 17th of April last, has consisted in the examination of questions presented by different public officers.

A great number and variety of such questions have been referred, all of which have been examined and opinions given thereon.

Soon after my official duties commenced I was called upon to examine into questions touching the alleged forfeiture of the charter of the Erie & Kalamazoo Railroad Co., for violation of the laws of this State by said company. Proceedings having been resolved upon, I was led to an examination of our statutes, to ascertain whether there was any mode pointed out to try the question of forfeiture, but found them silent on this subject. Under these circumstances I was compelled to resort to the course of proceedings pointed out by the common law, modified and adapted to our circumstances by the rules of the Supreme Court. The railroad company have neglected and refused to appear, except for the purpose of objecting to the jurisdiction of the court. This proceeding, at best, under the rules which the court have the power to adopt may, if strenuously defended, be very dilatory, and I would therefore respectfully suggest that some mode should be provided by statute, whereby the question of forfeiture of chartered rights can be tested, without the delay now incident to proceedings in the nature of *quo warranto*.

Of the numerous cases of proceedings instituted in this State, for the purpose of ousting corporations of their chartered privileges, I do not now remember of a single instance which has been prosecuted to final judgment. The reason of this may, in part, be found in the long time it requires to bring a suit of this kind to a final determination. Some remedial provision is necessary, for our statute books are covered with acts of incorporation, many of which can only be reached through our judicial tribunals, the Legislature having reserved no right of repeal.

Proceedings in the nature of *quo warranto* have been commenced against the Michigan State Bank; and the Bank having appeared and plead to the information, it will be ready for trial, and probably be disposed of at the January term of the Supreme Court.

The schedule marked "A," annexed to this report contains a true abstract of the annual reports of the Prosecuting Attornies of the several counties (so far as received), showing the official business done by them during the past year.

The Prosecuting Attornies for the counties of Macomb, Oakland, Calhoun, Lapeer, Saginaw, Kent, Shiawassee, Eaton, and Ottawa, have neglected to make their report.

The duties performed as one of the Board of State Auditors, will appear in the report made by that Board. The duties performed as one of the Board of Auditors, under the act of March 24, 1845, will appear in the report made by that Board.

All of which is respectfully submitted,

HENRY N. WALKER,
Attorney General.

Detroit, December 29, 1845.

For appendix, see Joint Documents, No. 6, 1846,—State Library.